

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 1, 2 and 5 are amended and claims 6-18 are added.

I. CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 1-5 are rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

The Office Action alleges there is insufficient antecedent basis for "said center housing" recited in claim 1. Claim 1 is amended in reply to the rejection.

The Office Action alleges that the term "maximum" cited in claim 2 is indefinite. Claim 2 is amended in reply to the rejection.

The Office Action alleges that there is insufficient antecedent basis for the features recited in claim 5. Claim 5 is amended in reply to the rejection. Accordingly, Applicants respectfully request the rejection of claims 1-5 under 35 U.S.C. §112, second paragraph, be withdrawn.

II. CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-3 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,167,162 to Nagashima et al. (Nagashima). The rejection is respectfully traversed.

Applicants assert that Nagashima does not disclose each and every feature recited in the rejected claims. For example, Nagashima does not disclose a starter for an internal combustion engine including a planetary gear speed reduction mechanism, a pinion to be engaged with a ring gear of the engine and a pinion drive shaft connected to the speed reduction mechanism comprising ... adjusting means for fixing the front housing to a selected angular position of the center casing, as recited in independent claim 1.

Accordingly, Nagashima does not disclose each and every feature recited in the rejected claims. Thus, Applicants respectfully request the rejection of claims 1-3 under 35 U.S.C. §102(b) be withdrawn.

III. CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claim 4 is rejected under 35 U.S.C. §103(a) as unpatentable over Nagashima. The rejection is respectfully traversed.

Applicants assert that claim 4 is allowable for at least its dependency on claim 1 for the reasons discussed above, as well as for the additional features recited therein. Furthermore, as Nagashima does not suggest an adjusting means for fixing the front housing to a selected angular position of the center casing, as recited in claim 4, Nagashima does not render claim 4 obvious. Accordingly, Applicants respectfully request the rejection of claim 4 under 35 U.S.C. §103(a) be withdrawn.

Claim 5 is rejected under 35 U.S.C. §103(a) as unpatentable over Nagashima in view of U.S. Patent 4,325,265 to Wakatsuki et al. (Wakatsuki). The rejection is respectfully traversed.

The Office Action admits that Nagashima does not disclose a dust seal disposed between the front housing and the center housing, as recited in claim 5. To overcome the admitted deficiency, the Office Action combines Wakatsuki and alleges that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the starter of Nagashima with the dust seal allegedly disclosed in Wakatsuki.

Applicants assert that claim 5 is allowable for at least its dependency on claim 1 for the reasons discussed above regarding claim 1, as well as for the additional features recited therein. For example, Wakatsuki does not disclose or suggest the adjusting means for fixing the front housing to a selected angular position now the center casing, as recited in claim 5.

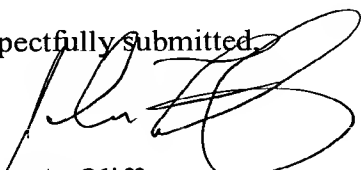
Thus, Applicants respectfully request the rejection of claim 5 under 35 U.S.C. §103(a) be withdrawn.

IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5, as well as new claims 6-18, are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully Submitted,


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Date: May 8, 2003

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